

**RULES
OF
DEPARTMENT OF MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES
OFFICE OF LICENSURE**

**CHAPTER 0940-5-1
DEFINITIONS**

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0940-5-1-.01 DEFINITION OF GENERAL TERMS USED IN ALL RULES. As used in Chapters 0940-5-1 through 0940-5-28 of these rules, unless the context indicates otherwise, terms have the following meaning:

- (1) Applicant or Licensee Applicant - The proprietorship, partnership, association, governmental agency, or corporation which makes, or is required to make, application for the licensure of a facility determined to be under the licensure jurisdiction of the Department.
- (2) Capable of Self-Preservation - Means that a person is capable of responding to an approved emergency signal, including prompting by voice, by following a pre-taught evacuation procedure within a reasonable time limitation whether or not the person is fully aware of the reasons for the action. A person is capable of self-preservation if the person is able to transfer unassisted from the bed or another fixed position to an individualized means of mobility, which is continuously available, and able to demonstrate the ability to transverse a pre-defined means of egress from the facility within a reasonable time limitation. Persons who have imposed upon them security measures beyond their control, which prevent their egress from the facility, are not capable of self-preservation.
- (3) Chief Executive Officer or Director - The person appointed, designated, or hired by the governing body to be responsible for the day-to-day operation of the facility or facilities operated by the licensee.
- (4) Civil Rights - The rights of personal liberty guaranteed to citizens by the Constitutions of the United States and the State of Tennessee, and by federal and state statutes.
- (5) Service Recipient - The individual who is the direct recipient of the services provided by the residential or non-residential facility subject to the licensure jurisdiction of the Tennessee Department of Mental Health and Developmental Disabilities.
- (6) Community Living Skills - The array of skills which enables a person to live independently in the community. These include, but are not limited to, skills in the following areas: independent living, educational/vocational, inter-personal, social, problem solving, financial, leisure time, mobility in the community and use of community resources.
- (7) Corporal Punishment - The application of painful stimuli to the body in an attempt to terminate behavior or as a penalty for behavior, but does not mean aversive stimuli.
- (8) Department - The Tennessee Department of Mental Health and Developmental Disabilities

(Rule 0940-5-1-.01, continued)

- (9) Emotional Abuse - Any threatening behavior or statement directed toward a service recipient that causes emotional trauma or fear including, but not limited to, ridicule, gestures which subject the service recipient to humiliation or degradation, or threatening motions or noises intended to startle or frighten the service recipient.
- (10) Exploitation - Any act intended to exploit, extort or defraud a service recipient including, but not limited to, misuse of authority over a service recipient, forcing or compelling a service recipient to do anything illegal or immoral, attempting to extort money from a service recipient through devious means, or stealing a service recipient's personal possessions.
- (11) Facility - An institution, treatment resource, group residence, boarding home, sheltered workshop, activity center, rehabilitation center, hospital, community mental health center, DUI school, counseling center, clinic, halfway house, or other entity by these or other names, providing mental health, mental retardation, or alcohol and drug abuse services.
- (12) Governing Body - The person or persons with primary legal authority and responsibility for the overall operation of the facility and to whom a director/chief executive officer is responsible. Depending upon the organizational structure, this body may be an owner or owners; a board of directors or other governing members of the licensee; or state, city, or county officials appointed by the licensee, etc.
- (13) Grievance Procedure - A procedure for responding to an expression of a cause of distress believed by a service recipient, or by another acting on behalf of a service recipient, to constitute a reason for complaint.
- (14) Guardian/Conservator - The person legally appointed by a court of competent jurisdiction to have full or limited control of a service recipient's person and/or property.
- (15) Habilitation or Habilitative Services - The structured process by which the service provider assists an individual to acquire and maintain those life skills which enables the individual to cope more effectively with the demands of the individual's own person and environment and to raise the individual's physical, mental, and social functioning. This process includes programs of formal, structured education and training referred to as "individualized program planning".
- (16) Independent Living Skills - The complete continuum of skills involved in increasing independence. These include, but are not limited to the following areas: grooming/personal hygiene, selection/care of clothing, responsible self-medication, personal safety, housekeeping, nutritional/meal preparation, eating/table manners, use of telephone and money/budgeting concepts.
- (17) Licensed Clinical Psychologist - A psychologist licensed to practice psychology in Tennessee with the certified competency in clinical psychology determined by the State Licensing Board for the Healing Arts and the Board of Examiners in Psychology.
- (18) Licensee - The proprietorship, partnership, association, governmental agency, or corporation which operates a facility under the licensure jurisdiction of the Department.
- (19) Mental Health Services - All services pertaining to and incidental to the prevention, diagnosis, evaluation, treatment, domiciliary care, training, habilitation, counseling, or supervision of mental illness or alcohol or drug dependence or persons who are mentally ill or alcohol or drug abusers.
- (20) Mental Retardation Service - All services pertaining to and incidental to the prevention, diagnosis, evaluation, treatment, domiciliary care, training, habilitation, counseling, or supervision of mental retardation or persons who have mental retardation.
- (21) Mentally Ill Individual - An individual who suffers from a psychiatric disorder, alcoholism, or drug dependence, but excluding an individual whose only mental disability is mental retardation.

(Rule 0940-5-1-.01, continued)

- (22) Mobile Non-ambulatory Individual - An individual who is able, without other assistance, to transfer to and move about only with the aid of a wheelchair, walker, crutch, wheeled platform, or similar device.
- (23) On-Duty/On-Site - A staff person who is on the facility's premises and has the obligation to carry out any job responsibilities designated in his/her job description.
- (24) On-Site - A staff person who is on the facility's premises but is only required to be on duty during an emergency.
- (25) Personal Care - Protective care of a resident who does not require chronic or convalescent medical or nursing care. Personal care involves responsibility for the safety of the resident when in the building. Protective care may include a daily awareness by the management of the resident's functioning, his or her whereabouts, the making and reminding a resident of appointments, the ability and readiness to intervene if a crisis arises for a resident, and supervision in areas of nutrition and medication.
- (26) Physical Abuse - Harmful or painful physical contact, including, but not limited to, the intentional striking, shoving, or pushing of a service recipient by anyone, including another service recipient. Also included is the use of excessive force when restraining a service recipient (e.g., using methods to restrain a service recipient which are not outlined in staff training) and acts which constituted sexual activity.
- (27) Physician - A graduate of an accredited medical school authorized to confer upon graduates the degree of Doctor of Medicine (M.D.) who is duly licensed in Tennessee or an osteopathic physician who is a graduate of a recognized osteopathic college authorized to confer the degree of Doctor of Osteopathy (D.O.) and who is licensed to practice osteopathic medicine in Tennessee.
- (28) Physician Assistant - An individual who renders services, whether diagnostic or therapeutic, which are acts constituting the practice of medicine and, but for the provisions of T.C.A. § 63-6-204, could only be performed by a licensed physician. [Acts 1985, ch. 376, 1; T.C.A. § 63-19-202]
- (29) Policies and Procedures Manual - A document that describes the philosophy, services, organization, policies, and procedures for implementing services to the service recipients of a facility.
- (30) Psychiatrist - A physician who specializes in the assessment and treatment of individuals having psychiatric disorders; is certified by the American Board of Psychiatry and Neurology or has the documented equivalent in education, training and/or experience; and who is fully licensed to practice medicine in the State of Tennessee.
- (31) Psychoactive Drug - Any drug used for medical purposes to treat mental disorders and which has as its main action effects on the central nervous system.
- (32) Reputable and Responsible Character - Having a personal and/or business history, which suggests that, the licensee can be trusted with responsibility for individuals particularly vulnerable to neglect and financial and sexual exploitation. Personal and/or business histories involving operation of substandard facilities and arrest record resulting in a conviction for offense relating to theft, larceny, embezzlement, rape, assault, homicide, drugs, and pornography, are inherently inconsistent with "reputable and responsible character".
- (33) Isolation - The placement of an individual alone in a room or other area from which egress is prevented.
- (34) Treatment - Activities, individualized program, modalities, or interventions provided by a mental health professional or mental health personnel designed and implemented for the enhancement/improvement of the individual's assessed mental health problems.

(Rule 0940-5-1-.01, continued)

- (35) Verbal Abuse - Insulting or coarse language directed toward a service recipient which subjects the service recipient to humiliation or degradation, including, but not limited to, swearing at a service recipient, name calling, taunting, and other inappropriate verbal behavior.
- (36) Vocational Services - The services provided to service recipients involving remunerative work experiences within the licensed facility and the provision of vocational activities of an industrial or productive vocational nature such as assembling, packaging, painting, stripping, wood or metal working, or manufacturing within the licensed facility.
- (37) Volunteer - A person who is not paid by the licensee and whose varied skills are used by the licensee to support and supplement the efforts of the paid facility staff.

Authority: T.C.A. §§4-4-103, 4-5-202, 4-5-204, 33-1-101, 33-1-302, 33-1-305, 33-1-309, 33-2-301, and 33-2-302.

Administrative History: Original rule filed November 16, 1978; effective January 1, 1979. Amendment filed May 22, 1979; effective July 10, 1979. Amendment filed November 30, 1983; effective December 30, 1983. Repeal and new rule filed May 26, 1988; effective July 11, 1988. Amendment filed August 29, 2003; effective December 29, 2003. Repeal and new rule filed June 29, 2004; effective September 12, 2004.

0940-5-1-.02 DEFINITION OF TERMS USED IN MENTAL HEALTH RULES. As used in Chapters 0940-5-14 through 0940-5-19 of these rules, unless the context indicates otherwise, terms have the following meaning:

- (1) Activity Therapy Staff - Persons with degrees and/or clinical training and/or certification registration in a recognized activity therapy field which includes, but is not limited to, therapeutic recreation, music therapy, occupational therapy, art therapy, or dance therapy, or a person who is directly supervised by one of the above professionals.
- (2) Individualized Program Plan - A document developed by the treatment staff/team, which identifies the service recipient's problems and specifies goals to be addressed in treatment and the interventions used to accomplish these goals.
- (3) Licensed Clinical Psychologist - A psychologist licensed to practice psychology in Tennessee with the certified competency in clinical psychology determined by the State Licensing Board for the Healing Arts and the Board of Examiners in Psychology.
- (4) Mental Health Personnel - A staff member who operates under the direct supervision of a mental health professional.
- (5) Mental Health Professional - A board eligible or a board certified psychiatrist or a person with at least a Master's degree and/or clinical training in an accepted mental health field which includes, but is not limited to, counseling, nursing, occupational therapy, psychology, social work, vocational rehabilitation, or activity therapy.
- (6) Physical Holding - The use of body contact by staff to prevent the service recipient's behavior from becoming dangerous to himself, others, or property.
- (7) Prevention - Services that are provided to the general public or a target population in order to reduce the occurrence or severity of mental illness.
- (8) Qualified Dietician - A person who holds current registration from the American Dietetic Association or who has the documented equivalent in education, training, and experience.
- (9) Qualified Food Service Manager - A qualified dietician, a graduate of a dietetic technician or assistant training program approved by the American Dietetic Association or a graduate of a state-approved course that provides ninety (90) or more hours of classroom instruction in food service supervision

(Rule 0940-5-1-.02, continued)

who has experience as a supervisor in a health care institution with consultation from a qualified dietician.

- (10) **Qualified Medical Records Practitioner** - An accredited record technician (ART) currently accredited by the American Medical Records Association, or a registered record administrator (RRA) currently registered by the American Medical Record Association or others qualified by work experience.
- (11) **Quality Assurance** - A systematic procedure for the review and evaluation of the agency's functions, quality of services and the utilization of resources in the provision of services.
- (12) **Restraint** - Any physical or mechanical device or chemical substance used to restrict the movement of an individual or the movement or normal function of a portion of an individual's body.
- (13) **Restrictive Procedure** - A treatment procedure that limits the rights of the individual for the purpose of modifying problem behavior, e.g. restraint.
- (14) **Time Out** - A behavior management procedure in which, contingent upon the demonstration of undesired behavior, the opportunity for positive reinforcement is withheld.
- (15) **Trained Clinical Professional** - A professional who has been granted clinical privileges by a hospital to practice his/her specialty at that facility.
- (16) **Treatment** - Activities, individualized program, modalities or interventions provided by a mental health professional or mental health personnel designed and implemented for the enhancement/improvement of the individual's assessed mental health problems.

Authority: T.C.A. §§4-4-103, 4-5-202, 4-5-204, 33-1-101, 33-1-302, 33-1-305, 33-1-309, 33-2-301, and 33-2-302.

Administrative History: Original rule filed November 16, 1978; effective January 1, 1979. Amendment filed May 22, 1979; effective July 10, 1979. Amendment filed November 30, 1983; effective December 30, 1983. Repeal and new rule filed May 26, 1988; effective July 11, 1988. Repeal filed September 4, 2003; effective January 28, 2004. New rule filed June 29, 2004; effective September 12, 2004.

0940-5-1-.03 DEFINITION OF TERMS USED IN MENTAL RETARDATION RULES. As used in Chapters 0940-5-20 through 0940-5-28 of these rules, unless the context indicates otherwise, terms have the following meaning:

- (1) **Adaptive Behavior**- The effectiveness or degree with which an individual meets the standard of personal independence, maturation, learning, and social responsibility expected for his age and cultural group.
- (2) **Aversive Stimuli** - Painful or noxious stimuli, which are employed to reduce the frequency of or to eliminate problem behaviors.
- (3) **Behavior-Management Drugs** - A drug or medication used for the purpose of modifying, limiting, or eliminating problem behaviors. Included are the major and minor tranquilizers and antidepressants. Excluded are drugs that may have behavior-modifying effects but that are not prescribed or administered for that purpose, such as anticonvulsants.
- (4) **Direct-Services Staff** - Home or cottage managers and aides, developmental technicians, or persons in other similar categories having face-to-face contact with service recipients, but excluding administrators, bookkeepers, accountants, secretaries, typists, clerks, or other clerical personnel, doctors, nurses, psychologists, speech and hearing therapists, pharmacy and other professional support personnel, maintenance, groundskeepers, cooks, bus drivers, or other personnel, teachers, trainers, social workers, and other professional personnel unless such personnel are under specific assignment

(Rule 0940-5-1-.03, continued)

- to direct services staff duties and then only for that amount of time devoted to direct services staff duties.
- (5) Emergency Procedures - Refers to the use of procedures necessary to control severely aggressive or destructive behaviors that could not have been anticipated and that place the individual or others in imminent danger.
 - (6) Human Rights Committee - A designated group of people which consists of at least three (3) members, one of whom must be independent of the facility. The committee's function is to review facility activities to ensure that service recipient rights are not neglected or abused. Such reviews should include, but should not be limited to, behavior management programs.
 - (7) Mental Retardation Specialist - A person with a bachelor's degree in a field related to developmental disabilities or a person with a bachelor's degree and two (2) years of supervised work in mental retardation.
 - (8) Restraint - Any of the following:
 - (a) Chemical Restraint - A chemical substance for the control of problem behaviors which, when administered in a given dosage, results in a decrease or the elimination of the individual's capability for self-preservation.
 - (b) Mechanical Restraint - A mechanical device which restricts the movement of an individual or the movement or normal function of a portion of an individual's body for the purpose of behavior control.
 - (c) Personal Restraint/Physical Holding - The use of body contact by staff to control a service recipient's problem behavior.
 - (9) Restrictive Behavior Management - A procedure that limits the rights of the individual for the purpose of controlling or modifying problem behaviors and seeks to replace them with behaviors that are adaptive and appropriate.
 - (10) Restraint Room - A room or enclosed area in which the individual is placed contingent upon the exhibition of a problem behavior in which reinforcement is not available and from which egress is denied until appropriate behavior is exhibited.

Authority: T.C.A. §§4-4-103, 4-5-202, 4-5-204, 33-1-101, 33-1-302, 33-1-305, 33-1-309, 33-2-301, and 33-2-302.

Administrative History: Original rule filed November 6, 1978; effective January 1, 1979. Amendment filed May 22, 1979; effective July 10, 1979. Amendment filed November 30, 1983; effective December 30, 1983. Repeal and new rule filed May 26, 1988; effective July 11, 1988. Repeal and new rule filed June 29, 2004; effective September 12, 2004.

0940-5-1-.04 DEFINITION OF DISTINCT CATEGORIES OF MENTAL HEALTH FACILITIES.

- (1) Mental Health Crisis Stabilization Unit - A community based facility that offers twenty-four (24) hour intensive treatment and residential care. The focus of the program may be on short-term crisis stabilization or on longer-term treatment. The program has the capability of admitting voluntary service recipients as well as involuntary service recipients who can be managed in a non-hospital setting. The program differs from a Residential Treatment Facility in that the staff are twenty-four (24) hour treatment staff and the program offers intensive treatment for persons with serious psychiatric disorders. At least one registered nurse or physician assistant must be on duty twenty-four (24) hours a day.

(Rule 0940-5-1-.04, continued)

- (2) **Mental Health Day Program Facility** - A non-residential facility that provides a treatment and/or rehabilitation program of at least three (3) hours duration per program day for persons with mental disorders. The program may be provided during the day, evening, or weekend hours. The program may be structured and offer community living skills training, vocational training, assistance with interpersonal relationships and be geared toward moving the person on to a more independent and normal life style. The program might also be unstructured and provide socialization and maintenance to persons who might not move on to more independence.
- (3) **Mental Health Hospital Facility** - An inpatient facility that is held out to the public as a hospital and, in connection with the services of a physician, offers diagnosis, treatment, and care to mentally ill individuals on a comprehensive inpatient basis.
- (4) **Mental Health Outpatient Facility** - A non-residential, clinic facility that provides services designed to provide mental health care for non-hospitalized individuals experiencing acute or ongoing psychiatric distress. Periodic contacts are of short duration. Services include, but are not limited to, diagnostic assessments, collateral services, individual therapy, crisis intervention, medication, and follow up.
- (5) **Mental Health Residential Treatment Facility** - A community-based facility that offers twenty-four (24) hour residential care as well as a treatment and rehabilitation component. The focus of the program may be on short-term crisis stabilization or on long-term rehabilitation that includes training in community living skills, vocational skills, and/or socialization. The staff includes direct-care staff as well as treatment staff. Treatment staff may be present full time or only during times when program activities or interventions are occurring. Access to medical services, social services, and mental health services are insured and are usually provided off site.
- (6) **Mental Health Supportive Living Facility** - A residential facility which provides room, board, and personal care services on a long term placement basis to two (2) or more mentally ill individuals unrelated to the owner or operator of the facility.
- (7) **Psychosocial Rehabilitation Program Facility** - A non-residential facility which provides a program of rehabilitation and recreation for persons with mental disorders. The program may be provided during the day, evening, or weekend hours. The focus of the program is on mental health, strengths and abilities, rather than mental illness, symptoms and problems. Service recipients are typically members and not patients and frequently are responsible for most of the content and format of the program. The degree of structure may vary but will generally offer interpersonal skill training, daily living skills training, educational development, recreational/social activities, self-help groups, and family involvement. However, a major focus of the program is on vocational rehabilitation. Members may participate in the program with varying intensity for an indefinite period of time.
- (8) **Mental Health Intensive Day Treatment Program For Children and Adolescent Facility** - A program equal in length to a school day or after school program which includes a variety of treatment activities including, but not limited to, individual, family, and/or group therapy, vocational training, social skills training, etc.; and an educational component.
- (9) **Therapeutic Nursery Program Facility** - A non-residential facility program lasting a minimum of (3) hours per day designed specifically for pre-school children who are experiencing serious emotional disturbance which is a result of severe environmental trauma, especially child abuse or neglect. A variety of treatment activities are provided which may include individual therapy, therapeutic group instruction and socialization, and a variety of activities to address developmental deficits resulting from environmental trauma.

Authority: T.C.A. §§4-4-103, 4-5-202, 4-5-204, 33-1-101, 33-1-302, 33-1-305, 33-1-309, 33-2-301, and 33-2-302.

Administrative History: Original rule filed November 16, 1978; effective January 1, 1979. Amendment filed May 22, 1979; effective July 10, 1979. Amendment filed December 8, 1980; effective January 22, 1981. Repeal and new

(Rule 0940-5-1-.04, continued)

rule filed November 30, 1983; effective December 30, 1983. Repeal and new rule filed May 26, 1988; effective July 11, 1988. Repeal and new rule filed June 29, 2004; effective September 12, 2004.

0940-5-1-.05 DEFINITION OF DISTINCT CATEGORIES OF MENTAL RETARDATION FACILITIES.

- (1) **Mental Retardation Adult Habilitation Day Facility** - A non-residential facility which offers a variety of habilitative activities to adults with mental retardation. Such habilitative activities may range from training activities in independent living to vocational skills depending on the needs of the service recipients being served. This includes adult developmental training, work activity, and sheltered workshop programs but does not include job placement and supported employment programs.
- (2) **Mental Retardation Boarding Home Facility** - A residential facility that offers personal care services including room, board, and supervision to two (2) or more mentally retarded adults unrelated by blood or marriage to the owner or operator of the facility. The service recipients of such facilities are capable of self-preservation, able to care for basic self-help needs with minimal assistance, able to care for personal possessions, able to maintain personal living areas in a state of orderliness, able to recognize danger or threat to personal safety, able to maintain behavior which is generally tolerable to the community, and able to attend to minor health care needs.
- (3) **Mental Retardation Diagnosis and Evaluation Facility** - A non-residential facility which provides personnel and testing resources to perform diagnosis and evaluation of persons having, or suspected of having mental retardation.
- (4) **Mental Retardation Institutional Habilitation Facility** - A facility which offers on a regular basis health-related services to individuals with mental retardation who do not require the degree of care and treatment which a hospital or skilled nursing facility is designed to provide but, because of physical or mental condition, require residential care and services (more than room and board) that involve health-related care under the supervision of a physician. Such a facility also offers an intensive program of habilitative services.
- (5) **Mental Retardation Placement Services Facility** - A facility program which provides or arranges regular residential placements in the individual home of care providers who are recruited, trained, and supervised by the facility program. The entity licensed is the program delivering such services rather than the individual homes of the program's care providers. No more than three (3) service recipients at a time are placed in an individual care provider's home. Such programs are known as foster care and sponsor care.
- (6) **Mental Retardation Preschool Facility** - A non-residential facility which offers a program of training, habilitation, or care to mentally retarded minors or minors at risk of mental retardation not of the chronological mandatory age to be enrolled in services of the Department of Education, and which is designed to teach self-help, socialization, communication, or school readiness skills, or designed to train parents or surrogates in methods and techniques of habilitation of the mentally retarded person.
- (7) **Mental Retardation Residential Habilitation Facility** - A residential facility which provides room and board, and assistance in acquiring, retaining and improving self-help, socialization, adaptive skills, and any other services necessary for a service recipient to live in a community setting. The facility shall provide training in the acquisition of, and assistance in completing skills related to, daily living, personal grooming, cleanliness, household chores, eating, meal preparation and any other skills necessary, based on the service recipient's needs. Any of these services shall be specified in the Individual Support Plan with specific therapeutic goals. Any professional services delivered in the facility shall be provided by duly licensed staff and specified in the Individual Support Plan.
- (8) **Mental Retardation Respite Care Services Facility** - A facility program which provides or arranges for the temporary placement of service recipients in the care of persons recruited, trained, and supervised by the program facility for the purpose of giving relief to the regular caregiver or to provide other

(Rule 0940-5-1-.05, continued)

assistance to the service recipient, the service recipient's family, guardian, or care giver. The licensed entity is the program delivering such services rather than the individual homes of the program's providers. No more than three (3) service recipients at a time are placed in an individual care provider's home.

- (9) **Mental Retardation Semi-Independent Living Facility** - A facility program which services adult service recipients who are able to reside in a housing situation without program staff residing on site to supervise the service recipients' home life style but require the support services of program staff in order to reside in such housing situations. The facility program offers and provides regular and as needed support services in procuring or monitoring adequate housing for service recipients, supervising home life styles, and assisting in development of higher-order independent living skills. The entity licensed is the program delivering the services rather than the individual dwellings for service recipients.
- (10) **Mental Retardation Supported Living Services Facility** - A service entity which provides support and assistance to individuals with mental retardation who live in their own homes or apartments but require such staff support and assistance to reside in such housing situations. Service entity staff provide support and assistance on a regular basis in accordance with the needs of the individual(s) living in the home. No more than three (3) persons receiving services shall reside in the home. The service entity delivering the support is licensed rather than the homes of the individuals receiving the support.

Authority: T.C.A. §§4-4-103, 4-5-202, 4-5-204, 33-1-101, 33-1-302, 33-1-305, 33-1-309, 33-2-301, and 33-2-302.

Administrative History: Original rule filed November 16, 1978; effective January 1, 1979. Amendment filed May 22, 1979; effective July 10, 1979. Repeal and new rule filed November 30, 1983; effective December 30, 1983. Rule renumbered as 0940-5-2-.18. New rule filed May 26, 1988; effective July 11, 1988. Repeal filed September 4, 2003; effective January 28, 2004. New rule filed June 29, 2004; effective September 12, 2004.

0940-5-1-.06 DEFINITION OF DISTINCT CATEGORIES OF MENTAL HEALTH FACILITIES.

- (1) **Mental Health Crisis Stabilization Unit** - A community based facility that offers twenty-four (24) hour intensive treatment and residential care. The focus of the program may be on short-term crisis stabilization or on longer-term treatment. The program has the capability of admitting voluntary clients as well as involuntary clients who can be managed in a non-hospital setting. The program differs from a Residential Treatment Facility in that the staff are twenty-four (24) hour treatment staff and the program offers intensive treatment for persons with serious psychiatric disorders. At least one registered nurse or physician assistant must be on duty twenty-four (24) hours a day.
- (2) **Mental Health Day Program Facility** - A non-residential facility that provides a treatment and/or rehabilitation program of at least three (3) hours duration per program day for persons with mental disorders. The program may be provided during the day, evening, or weekend hours. The program may be structured and offer community living skills training, vocational training, assistance with interpersonal relationships and be geared toward moving the person on to a more independent and normal life style. The program might also be unstructured and provide socialization and maintenance to persons who might not move on to more independence.
- (3) **Mental Health Hospital Facility** - An inpatient facility which is held out to the public as a hospital and, in connection with the services of a physician, offers diagnosis, treatment, and care to mentally ill individuals on a comprehensive inpatient basis.
- (4) **Mental Health Outpatient Facility** - A non-residential, clinic facility which provides services designed to provide mental health care for non-hospitalized individuals experiencing acute or ongoing psychiatric distress. Periodic contacts are of short duration. Services include, but are not limited to, diagnostic assessments, collateral services, individual therapy, crisis intervention, medication, and follow up.

(Rule 0940-5-1-.06, continued)

- (5) **Mental Health Residential Treatment Facility** - A community-based facility that offers twenty-four (24) hour residential care as well as a treatment and rehabilitation component. The focus of the program may be on short-term crisis stabilization or on long-term rehabilitation that includes training in community living skills, vocational skills, and/or socialization. The staff includes direct-care staff as well as treatment staff. Treatment staff may be present full time or only during times when program activities or interventions are occurring. Access to medical services, social services, and mental health services are insured and are usually provided off site.
- (6) **Mental Health Supportive Living Facility** - A residential facility which provides room, board, and personal care services on a long term placement basis to two (2) or more mentally ill individuals unrelated to the owner or operator of the facility.
- (7) **Psychosocial Rehabilitation Program Facility** - A non-residential facility which provides a program of rehabilitation and recreation for persons with mental disorders. The program may be provided during the day, evening, or weekends hours. The focus of the program is on mental health, strengths and abilities, rather than mental illness, symptoms and problems. Clients are typically members and not patients and frequently are responsible for most of the content and format of the program. The degree of structure may vary but will generally offer interpersonal skill training, daily living skills training, educational development, recreational/social activities, self-help groups, and family involvement. However, a major focus of the program is on vocational rehabilitation. Members may participate in the program with varying intensity for an indefinite period of time.
- (8) **Mental Health Intensive Day Treatment Program For Children and Adolescent Facility** - A program equal in length to a school day or after school program which includes a variety of treatment activities including, but not limited to, individual, family, and/or group therapy, vocational training, social skills training, etc.; and an educational component.
- (9) **Therapeutic Nursery Program Facility** - A non-residential facility program lasting a minimum of (3) hours per day designed specifically for pre-school children who are experiencing serious emotional disturbance which is a result of severe environmental trauma, especially child abuse or neglect. A variety of treatment activities are provided which may include individual therapy, therapeutic group instruction and socialization, and a variety of activities to address developmental deficits resulting from environmental trauma.

Authority: T.C.A. §§4-4-103, 33-1-205(b)(5), and 33-2-504. **Administrative History:** Original rule filed November 16, 1978; effective January 1, 1979. Amendment filed May 22, 1979; effective July 10, 1979. Repeal and new rule filed November 30, 1983; effective December 30, 1983. Repeal and new rule filed May 26, 1988; effective July 11, 1988. Amendment file July 20, 1993; effective October 3, 1993. Amendment filed January 11, 1996; effective March 26, 1996.

0940-5-1-.07 DEFINITION OF DISTINCT CATEGORIES OF MENTAL RETARDATION FACILITIES.

- (1) **Mental Retardation Adult Habilitation Day Facility** - A non-residential facility which offers a variety of habilitative activities to adults with mental retardation. Such habilitative activities may range from training activities in independent living to vocational skills depending on the needs of the clients being served. This includes adult developmental training, work activity, and sheltered workshop programs but does not include job placement and supported employment programs.
- (2) **Mental Retardation Boarding Home Facility** - A residential facility which offers personal care services including room, board, and supervision to two (2) or more mentally retarded adults unrelated by blood or marriage to the owner or operator of the facility. The clients of such facilities are capable of self-preservation, able to care for basic self-help needs with minimal assistance, able to care for personal possessions, able to maintain personal living areas in a state of orderliness, able to recognize danger or threat to personal safety, able to recognize danger or threat to personal safety, able maintain behavior which is generally tolerable to the community, and able to attend to minor health care needs.

(Rule 0940-5-1-.07, continued)

- (3) **Mental Retardation Diagnosis and Evaluation Facility** - A non-residential facility which provides personnel and testing resources to perform diagnosis and evaluation of persons having, or suspected of having mental retardation.
- (4) **Mental Retardation Institutional Habilitation Facility** - A facility which offers on a regular basis health-related services to individuals with mental retardation who do not require the degree of care and treatment which a hospital or skilled nursing facility is designed to provide but, because of physical or mental condition, require residential care and services (more than room and board) that involve health-related care under the supervision of a physician. Such a facility also offers an intensive program of habilitative services.
- (5) **Mental Retardation Placement Services Facility** - A facility program which provides or arranges regular residential placements in the individual home of care providers who are recruited, trained, and supervised by the facility program. The entity licensed is the program delivering such services rather than the individual homes of the program's care providers. No more than three (3) clients at a time are placed in an individual care provider's home. Such programs are known as foster care and sponsor care.
- (6) **Mental Retardation Preschool Facility** - A non-residential facility which offers a program of training, habilitation, or care to mentally retarded minors or minors at risk of mental retardation not of the chronological mandatory age to be enrolled in services of the Department of Education, and which is designed to teach self-help, socialization, communication, or school readiness skills, or designed to train parents or surrogates in methods and techniques of habilitation of the mentally retarded person.
- (7) **Mental Retardation Residential Habilitation Facility** - A residential facility which offers mental retardation services of personal care including room, board, and supervision or assistance in the exercise of independent living skills and which offers a program of habilitation or training in developing such skills.
- (8) **Mental Retardation Respite Care Services Facility** - A facility program which provides or arranges for the temporary placement of clients in the care of persons recruited, trained, and supervised by the program facility for the purpose of giving relief to the regular caregiver or to provide other assistance to the client, the client's family, guardian, or care giver. The licensed entity is the program delivering such services rather than the individual homes of the program's providers. No more than three (3) clients at a time are placed in an individual care provider's home.
- (9) **Mental Retardation Semi-Independent Living Facility** - A facility program which services adults clients who are able to reside in a housing situation without program staff residing on site to supervise the clients' home life style but require the support services of program staff in order to reside in such housing situations. The facility program offers and provides regular and as needed support services in procuring or monitoring adequate housing for clients, supervising home life styles, and assisting in development of higher-order independent living skills. The entity licensed is the program delivering the services rather than the individual dwellings for clients.
- (10) **Mental Retardation Supported Living Services Facility** - A service entity which provides support and assistance to individuals with mental retardation who live in their own homes or apartments but require such staff support and assistance to reside in such housing situations. Service entity staff provide support and assistance on a regular basis in accordance with the needs of the individual(s) living in the home. No more than three (3) persons receiving services shall reside in the home. The service entity delivering the support is licensed rather than the homes of the individuals receiving the support.

Authority: T.C.A. §§4-4-103, 33-1-205(b)(5), and 33-2-504. **Administrative History:** Original rule filed December 8, 1980; effective January 22, 1981. Amendment filed November 30, 1983; effective December 30, 1983.

(Rule 0940-5-1-.07, continued)

Repeal and new rule filed May 26, 1988; effective July 11, 1988. Amendment filed October 17, 1995; effective December 31, 1995.

0940-5-1-.08 THROUGH 0940-5-1-.12 REPEALED.

Authority: T.C.A. §§33-2-504. **Administrative History:** Original rule filed December 8, 1980; effective January 22, 1981. Amendment filed November 30, 1983; effective December 30, 1983. Repeal filed May 26, 1988; effective July 11, 1988.

0940-5-1-.13 REPEALED.

Authority: T.C.A. §33-2-504. **Administrative History:** Original rule filed December 8, 1980; effective January 22, 1981. Repeal filed May 26, 1988; effective July 11, 1988.

0940-5-1-.14 REPEALED.

Authority: T.C.A. §33-2-504. **Administrative History:** Original rule filed December 8, 1980; effective January 22, 1981. Amendment filed November 30, 1983; effective December 30, 1983. Repeal filed May 26, 1988; effective July 11, 1988.

0940-5-1-.15 DEFINITIONS FOR THE DISTINCT CATEGORY OF PERSONAL SUPPORT SERVICES AGENCIES.

- (1) “Agency” means a sole proprietorship, partnership, corporation, limited liability company or limited liability partnership providing personal support services as defined below. Agency includes all entities that employ or subcontract with individuals who provide personal support services to service recipients.
- (2) “Chronic condition” means a mental and/or physical impairment that is expected to last indefinitely.
- (3) “Service recipient” means an individual who, because of a chronic condition, has substantial limitations in two or more major life activities, and who is receiving services in either a regular or temporary residence.
- (4) “Education services” means consultation provided by a licensed nurse to the service recipient or primary family caregiver concerning a chronic condition.
- (5) “Personal support services” means one or more of the following services provided to a service recipient in the individual’s regular or temporary residence to assist with activities of daily living. Personal support services include but are not limited to:
 - (a) Self-care assistance with tasks such as eating, dressing, toileting, bathing, mobility, transfer assistance and other services and supports to maintain health and wellness;
 - (b) Household assistance with tasks such as housekeeping, laundry, meal planning, meal preparation, shopping, bill paying, and use of telecommunication devices;
 - (c) Personal assistance to access community activities such as transportation, social, recreational or other personal activities; and
 - (d) Education services.
- (6) “Major life activities” means
 - (a) self-care;

(Rule 0940-5-1-.15, continued)

- (b) receptive and expressive language;
- (c) learning;
- (d) mobility;
- (e) self-direction;
- (f) capacity for independent living; or
- (g) economic self-sufficiency.

Authority: T.C.A. §§4-4-103, 4-5-202, 4-5-204, 33-1-302, 33-1-305, 33-1-309, 33-2-301, and 33-2-302.

Administrative History: Original rule filed August 29, 2003; effective December 29, 2003.